

*And remind (others), for the reminder most certainly benefits the Believers
Surah Zhūriyaat, verse 55*

BASIC RULES OF TALAAQ AND IDDAT

Part 1

From the many questions I receive on talaaq and iddat it is clear that there is still much confusion among people in this regard. Some people will use the Google search engine to get answers. Needless to say, this practice is not only wrong but also impractical. Some talaaq issues are so complicated that even if one finds the answers online, there is still some ambiguity and doubt that remains. That aside, one can never be sure if the internet information is even reliable and authentic. With this in mind, I have prepared an overview of the *masaa-il* of talaaq and iddat in simple, laymen language. This overview explains the basic and main rules of talaaq and iddat. For the intricate matters, readers are advised to refer to competent Ulema.

RAJ'EE TALAAQ

1. If a man gives his wife **one** or **two talaaq**, using the word talaaq in Arabic, English, Gujarati, Zulu, or any other language, that is known as Raj'ee talaaq. Raj'ee talaaq means the husband can take the wife back within her iddat period. More on this will be explained further.
2. When a talaaq is given, the wife goes into iddat immediately. Her iddat begins as soon as the talaaq falls. Iddat will be explained further.
3. After one or two such talaaq the husband and wife can still get back together again, with the following conditions:
4. If the husband decides to take his wife back after one or two talaaq, while she is still in iddat, then there is no need for a new nikah, and there is no need to ask for her consent. He may take her back even without her consent, but it must be done within the iddat, and this can be done by a verbal statement to the wife or to himself that "I have taken her back into my nikah", or "I take you back as my wife", or "You are still my wife", or any similar statement.
5. In the **HANAFI MAZH-HAB**, after Raj'ee talaaq, the husband may also take his wife back by becoming intimate with her, like kissing, cuddling, foreplay, or by having sex with her, even if he did not say anything about taking her back verbally.
6. However, this does not apply to the **SHAAFI MAZH-HAB**. In the **Shaafi mazh-hab** revoking the talaaq (i.e. taking the wife back) can only happen by saying it verbally, not through any intimacy or sexual act.

7. If after one or two talaaq the wife completes her iddat, then the ex-husband may still take her back, but this time he has to make a new nikah, and it has to be with her consent. This new nikah will be just like a normal nikah, with a mehr and at least two witnesses.
8. In order for the husband to take his wife back after one or two talaaq, there is no need for the wife to marry another man, whether he takes her back during her iddat (verbally or through intimacy), or after her iddat has expired (by making a new nikah).
9. When the iddat has expired after one or two talaaq and the husband wishes to make nikah with his ex-wife again, he has to get her consent. If she refuses to marry him again, no one, not even the husband can force her. Once her iddat is over, she is free to marry whoever she wants.

THREE TALAAQ

10. If a man gives his wife three talaaq, then there is no way that he can take her back except if halaala takes place. Halaala will be explained in another publication.
11. Three talaaq will fall whether the husband said it in three different sentences or in one sentence, and whether he said it on three different occasions, or one after the other. In all cases the three talaaq will fall and the wife will then be haraam for her husband. Three talaaq is called *mughallazha*.

SEPARATION

12. If a husband and wife are separated for many months or years, talaaq does NOT fall through such separation. Such a couple must not regard themselves to be divorced. Talaaq can ONLY occur if the husband says it verbally or writes it. Until he does not do that, talaaq will not fall, no matter how long the couple lived apart.
13. In a situation where the couple has been estranged for many months or years, if the husband divorces his wife, she must still observe the iddat.

TALAAQ IN ANGER

14. Talaaq given in anger is valid. It will serve to break the nikah, whether the husband gave one, two, or three talaaq. In fact, in most cases talaaq is given when the husband is angry with his wife. Some husbands use the talaaq as a way to punish the wife, so he utters divorce when the wife makes him angry; to do so is a big sin, but the talaaq is still valid. That level of anger does not invalidate the talaaq.

(To be continued in Part 2)

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